



**BUILDING AND STANDARDS COMMISSION
MINUTES**

REGULAR
Date: July 22, 2015

The Building and Standards Commission convened for a regular meeting on July 22, 2015, at City Hall, Boards and Commission Room, Room 1101, 301 West 2nd Street, Austin Texas.

Commission Members in Attendance: Charles Cloutman, Chair; Jessica Mangrum, Vice Chair; Wordy Thompson; John McIntyre; Stanley Martin; Matthew Gonzales; Abraham Cohen; and Kurt Cadena-Mitchell

Staff in Attendance: Christopher Moore - Building & Standards Commission Coordinator; Marcus Elliott - Division Manager, Austin Code; Patricia Link - Assistant City Attorney; Carl Smart - Director; Merlinda Coleman - Program Specialist Legal Operations; Matthew Noriega - Assistant Division Manager; Robert Alvarado - Assistant Division Manager; Catherine Rivas - Code Officer; Luther Perez – Code Officer; Chris Maldonado - Code Officer; Dedric Knox - Code Officer; Linda-Jo Mireider – Code Officer; Todd Wilcox – Division Manager.

CALL TO ORDER

The BSC Coordinator called the commission hearing to order at 6:33 p.m.

1. CITIZEN COMMUNICATION: GENERAL

Christina Campbell spoke before the Commission requesting her mother's property, 1409 Newning Avenue, be brought back before the Commission for review.

Heirs of Guy Campbell spoke before the Commission requesting their father's property, 1119 Ebert Avenue, be brought back before the Commission for review.

2. PUBLIC HEARINGS

a. Appeals

i. 2110 Uphill Lane; Vincent Harrison

CL # 2015-040929

Appeal was pulled from the agenda.

ii. 3403 East 12th Street; Tony & Bridget Craven et al

CL # 2015-040929

Appeal was granted.

b. New Cases

i. 2110 Uphill Lane; Vincent Harrison

CL # 2015-040929

Case was pulled from the agenda.

**ii. 3403 East 12th Street; Tony & Bridget Craven et al
CL # 2015-040929**

Appeal was granted; case was not heard.

**iii. 1148 Webberville Road; Miri Seyed & AAA Fire and Safety Equipment Co. Inc.
CL # 2015-015433**

1148 Webberville Road is single-family structure that is currently vacant. The case was represented by Miri Seyed.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: adopt the Findings of Fact and Conclusions of Law identified for this property; secure all necessary permits; correct the cited violations by completing all repairs to the structure within forty-five (45) days from the date the Order is mailed to the owner(s); repair or make all modifications to meet or exceed the requirements of all applicable codes; require the owners or owners' representative(s) to request inspection to verify compliance; and be assessed a penalty of \$250 per week after forty-five (45) days, if all work has not been completed with final inspection passed. In lieu of repair, demolition and removal of the structure and all associated materials in and around the structure, shall also be deemed achieving compliance with this Order if completed within forty-five (45) days of the date this Order is mailed to record owners; if compliance is not achieved within the forty-five (45) days, the Code Official may proceed with the demolition of the structure; and will consider all portions of the structure including items in and around the structure as debris and disposed of as such; and it is ordered that if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

Commissioner Martin made a motion to adopt the recommended order and the Findings of Fact and Conclusions of law but amend the order to extend the time to sixty (60) days for the repair or demolition. Commissioner Cadena-Mitchell seconded. A vote was taken and the motion passed on a 7 to 1 vote. Commissioner McIntyre opposed.

**iv. 2204 Yellow Jacket Lane; Atianna Saint Breen
CL # 2015-0040925**

2204 Yellow Jacket Lane is single-family structure that is currently vacant. The case was represented by Atianna Saint Breen.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: adopt the Findings of Fact and Conclusions of Law identified for this property; secure all necessary permits; correct the cited violations by completing all repairs to the structure within forty-five (45) days from the date

the Order is mailed to the owner(s); repair or make all modifications to meet or exceed the requirements of all applicable codes; require the owners or owners' representative(s) to request inspection to verify compliance; and be assessed a penalty of \$250 per week after forty-five (45) days, if all work has not been completed with final inspection passed. In lieu of repair, demolition and removal of the structure and all associated materials in and around the structure, shall also be deemed achieving compliance with this Order if completed within forty-five (45) days of the date this Order is mailed to record owners; if compliance is not achieved within the forty-five (45) days, the Code Official may proceed with the demolition of the structure; and will consider all portions of the structure including items in and around the structure as debris and disposed of as such; and it is ordered that if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

Vice-chair Mangrum made a motion to adopt the recommended order and the Findings of Fact and Conclusions of law. Commissioner McIntyre seconded. Vote was taken; motion passed unanimously.

**v. 2015 Yellow Jacket Lane; W.F. Jackson Estate
CL # 2015-015421**

2015 Yellow Jacket Lane is single-family structure that is currently vacant. The case was not represented.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: adopt the Findings of Fact and Conclusions of Law identified for this property; secure all necessary permits; demolish all portions of the residential structure located on the property; it shall be demolished and removed completely with the lot left in a cleaned and raked condition within forty-five (45) days from the date the Order is mailed to the owner; require the owners or owners' representative(s) to request inspections to verify compliance; if compliance is not achieved within forty-five (45) days, the Code Official may proceed with the demolition; and will consider all portions of the residential structure, including items in and around the structure as debris and will disposed as such; and it is ordered that if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

Commissioner Cadena-Mitchell made a motion to adopt the recommended order and the Findings of Fact and Conclusions of law. Vice-chair Mangrum seconded. Vote was taken; motion passed unanimously.

**vi. 3310 South US 183 Hwy; Vincente & Maria Campos
CL # 2015-049328**

3310 South US 183 Hwy is single-family structure that is currently vacant. The case was represented by Diane Campos and Dionicio Campos.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: adopt the Findings of Fact and Conclusions of Law identified for this property; secure all necessary permits; demolish all portions of the residential structure located on the property; it shall be demolished and removed completely with the lot left in a cleaned and raked condition within forty-five (45) days from the date the Order is mailed to the owner; require the owners or owners' representative(s) to request inspections to verify compliance; if compliance is not achieved within forty-five (45) days, the Code Official may proceed with the demolition; and will consider all portions of the residential structure, including items in and around the structure as debris and will disposed as such; and it is ordered that if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

Commissioner Gonzales made a motion to adopt the recommended order and the Findings of Fact and Conclusions of law but amend the order to extend the time to sixty (60) days for the demolition. Commissioner Cadena-Mitchell seconded. Vote was taken; motion passed unanimously.

**vii. 1902 Hamilton Avenue; Heirs of Annie Scales
CL # 2015-012788**

1902 Hamilton Avenue is single-family structure that is currently vacant. The case was represented by Aubrey Franklin, a representative for the heirs.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: adopt the Findings of Fact and Conclusions of Law identified for this property; secure all necessary permits; demolish all portions of the residential structure located on the property; it shall be demolished and removed completely with the lot left in a cleaned and raked condition within forty-five (45) days from the date the Order is mailed to the owner; require the owners or owners' representative(s) to request inspections to verify compliance; if compliance is not achieved within forty-five (45) days, the Code Official may proceed with the demolition; and will consider all portions of the residential structure, including items in and around the structure as debris and will disposed as such; and it is ordered that if the City incurs expenses consistent with this order to vacate, secure, remove, or demolish the building, and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the deed records with the Travis County Clerk's Office, unless exempted by the Texas Constitution.

Commissioner Cohen made a motion to adopt the recommended order and the Findings of Fact and Conclusions of law but amend the order to extend the time to sixty (60) days for the demolition. Commissioner Martin seconded. Vote was taken; motion passed unanimously.

**ix. 1801 Maple Avenue; Ermine McBride, Bernice Houston & Carlene Thomas Life Estates
CL # 2015-040881**

Case was pulled from the agenda.

c. Returning Cases

**i. 7800 East Riverside Drive; AMBE Holdings of Austin, LLC
CL # 2014-060951**

7800 East Riverside Drive is a commercial structure that is currently vacant. The case was represented by Nick Bhakta of AMBE Holdings of Austin, LLC.

The property is a returning case. A demolition order was issued at the July 23, 2014 hearing. Case was brought back to the commission to modify the existing July 23rd BSC order.

Staff recommended the following to the Commission: adopt the Findings of Fact and Conclusions of Law identified for this property; to amend the existing order from demolition to repair; to drain the pool located on the property within thirty (30) days and further maintain from the date the order is mailed to the owner.

Commissioner Cohen made a motion to adopt the recommended order and the Findings of Fact and Conclusions of law and to modify the existing order from demolition to repair and to drain the pool within thirty (30) days and to continue to maintain maintenance. Vice-chair Mangrum seconded. Vote was taken; motion passed unanimously.

**ii. 11615 Pearwood Place; David Blakely
CL # 2013-124306**

Case was pulled from the agenda.

**iii. 6000 FM 969 Road; Morning Star Projects, LLC
CL # 2014-001340**

6000 FM 969 Road is a commercial structure that is currently vacant. The case was represented by Barbara Lee of Morning Star Projects, LLC and Phil Moncada (consultant).

The property is a returning case. A repair order was issued at the January of 22, 2014 hearing. Case was brought back to the commission to modify the existing January 22nd BSC order.

Staff recommended the following to the Commission: adopt the Findings of Fact and Conclusions of Law identified for this property; to amend the existing order and reduce the penalties to \$30,000.00.

Commissioner Martin made a motion to amend the existing order and reduce the penalties to \$30,000.00. Commissioner McIntyre seconded. Vote was taken; motion passed 8 to 1 with Commissioner Cohen opposing.

3. ADJOURNMENT

Chair Cloutman adjourned the hearing without objection at 10:13 p.m.